

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN BEAVERS,

Petitioner,

v.

**FRANKLIN COUNTY ADULT
PROBATION,**

Respondent.

CASE NO. 2:13-CV-404

JUDGE ALGENON L. MARBLEY

Magistrate Judge Elizabeth A. Preston Deavers

OPINION AND ORDER

On April 21, 2014, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed without prejudice as unexhausted, and in the alternative, that Petitioner could notify the Court of his intent to withdraw his unexhausted claim and proceed on the merits of his remaining claim.

Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed. The *Report and Recommendation* is **ADOPTED and AFFIRMED**.

Petitioner has filed a *Notice* indicating he is deleting his unexhausted claim of ineffective assistance of counsel and wishes to proceed on his remaining claims. Petitioner's unexhausted claim of ineffective assistance of counsel shall be removed from the habeas corpus petition, and

the Magistrate Judge will issue a *Report and Recommendation* regarding Petitioner's remaining claim for relief.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge

DATED: May 9, 2014